

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

LEROY LYNCH

PETITIONER

V.

NO. 2:10CV124-P-S

BOLIVAR COUNTY, et al.

RESPONDENTS

ORDER CLOSING CASE

This matter comes before the court, *sua sponte*, for consideration of dismissal. Leroy Lynch, inmate R5168, has submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Lynch has previously unsuccessfully challenged the same state court conviction contained in the instant petition. *See Lynch v. Bolivar County*, No. 2:10C012-P-D (dismissed with prejudice as untimely).

The Antiterrorism and Effective Death Penalty Act of 1996 (Public Law No. 104-132, 110 Stat. 1214) (hereinafter, the AEDPA), which was signed into law on April 24, 1996, amended habeas corpus procedure in several different ways. One of the changes dealt with second or successive writs. The AEDPA requires that before a district court considers a second or successive petition, "the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." Although Collins is seeking permission to file his petition, there is no showing that Petitioner has obtained such an order.

Therefore, it is ORDERED:

- 1) this petition is DISMISSED; and
- 2) this matter is CLOSED.

THIS the 28th day of September, 2010.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE